

RECEIVED

MAR 09 2004

Sutherland, Asbill & Brennan LLP

THE U.S.P.T.O. OFFICIAL MAILROOM STAMP AFFIXED HERETO  
ACKNOWLEDGES RECEIPT OF THE ITEMS LISTED BELOW:

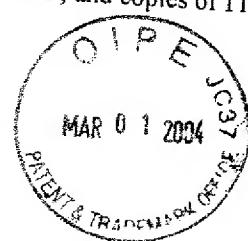
Applicant(s): Barry M. Yomtov, et al.

Serial No. 10/679,763 Filed: October 6, 2003

Title: Medical Device for Neural Stimulation and Controlled Drug  
Delivery

Papers Submitted: Submission of Information Disclosure Statement with certificate of  
mailing; two (2) pages of Form PTO-1449; and copies of 11 cited  
references.

Attorney: KWK/em  
Date Mailed: February 25, 2004  
Docket: 17509-0072  
AO 1075477.1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Barry M. Yomtov, et al. ) Group Art Unit: 3762  
Serial No. 10/679,763 )  
Filed: October 6, 2003 )  
For: Medical Device for Neural )  
Stimulation and Controlled )  
Drug Delivery )

## SUBMISSION OF INFORMATION DISCLOSURE STATEMENT

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

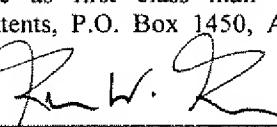
Sir:

The citation of information on the attached two pages of Form PTO-1449, "List of Art Cited by Applicants" is made pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98.

Pursuant to the Office's waiver of the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, no copy of any cited U.S. patent or U.S. patent application publication is being provided herewith.

---

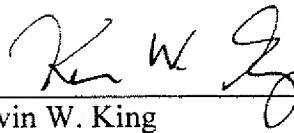
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 25, 2004.

  
Kevin W. King

U.S.S.N. 10/679,763  
Filed: October 6, 2003  
INFORMATION DISCLOSURE STATEMENT

The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right the applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Respectfully submitted,

By:   
Kevin W. King  
Reg. No. 42,737

Date: **February 25, 2004**

SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3996  
Tel. No. (404) 853-8068  
Fax No. (404) 853-8806

Attorney Docket No.: 17509-0072

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/679,763
				Filing Date	October 6, 2003
				First Named Inventor	Barry M. Yomtov
				Art Unit	3762
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	17509-0072

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (# known)	MM-DD-YYYY		
		US-4,360,019	12-23-1982	Portner et al.	
		US-4,731,051	03-15-1988	Fischell	
		US-5,041,107	08-20-1991	Heil Jr.	
		US-5,324,316	06-28-1994	Schulman et al.	
		US-5,524,338	06-11-1996	Martyniuk et al.	
		US-5,797,898	08-25-1998	Santini Jr. et al.	
		US-5,807,397	09-15-1998	Berreras	
		US-6,114,658	09-05-2000	Roth et al.	
		US-6,123,861	09-26-2000	Santini Jr. et al.	
		US-6,243,608	06-05-2001	Pauly et al.	
		US-6,334,859	01-01-2002	Richter	
		US-6,491,666	12-10-2002	Santini Jr. et al.	
		US-6,527,762	03-04-2003	Santini Jr. et al.	
		US-6,537,256	03-25-2003	Santini Jr. et al.	
		US-6,551,838	04-22-2003	Santini Jr. et al.	
		US-6,571,125	05-27-2003	Thompson	
		US-6,656,162	12-02-2003	Santini Jr. et al.	
		US-6,669,683	12-30-2003	Santini Jr. et al.	
		US-2002/0072784	06-13-2002	Sheppard Jr. et al.	
		US-2002/0099359	07-25-2002	Santini Jr. et al.	
		US-2002/0107470	08-08-2002	Richards, et al.	
		US-2002/0111658	08-15-2002	Greenberg et al.	
		US-2002/0138067	09-26-2002	Sheppard Jr. et al.	
		US-2002/0151776	10-17-2002	Shawgo, et al.	
		US-2002/0183721	12-05-2002	Santini Jr. et al.	
		US-2002/0187260	12-12-2002	Sheppard Jr. et al.	
		US-2002/0188282	12-12-2002	Greenberg	
		US-2003/0010808	01-16-2003	Uhland et al.	
		US-2003/0036794	02-20-2003	Ragheb et al.	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/679,763
				Filing Date	October 6, 2003
				First Named Inventor	Barry M. Yomtov
				Art Unit	3762
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	17509-0072

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Patent Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>2</sup> (if known)				
		WO 02/056862 A2	07-25-2002	FRAUNHOFER		X
		DE 197 16 683 C1	06-04-1998	FRAUNHOFER		X
		WO 01/28629 A1	04-26-2001	ABIOMED, INC.		
		WO 01/37926 A1	05-31-2001	ABIOMED, INC.		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the articles (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		BAE, et al., "Pulsatile Drug Release by Electric Stimulus," ACS Symp. Series <i>Polymeric Drugs &amp; Drug Admin.</i> , pp. 99-110 (1994).	
		HAROUN, et al., "Local Drug Delivery," <i>Curr. Opin. Oncol.</i> 12(3): 187-93 (2000) (abstract).	
		LIU, et al., "Applications of Microfabrication and Micromachining Techniques to Biotechnology," <i>Tibtech</i> 15: 213-16 (1997)	
		SANTINI, et al., "Microchips as Controlled Drug-Delivery Devices," <i>Angew Chem. Int. Ed. Engl.</i> 39(14): 2396-407 (2000).	
		SANTINI, et al., "Microchip Technology in Drug Delivery," <i>Ann. Med.</i> 32(6) 377-79 (2001).	
		SANTINI, et al., "A Controlled-Release Microchip," <i>Nature</i> 397(6717): 335-38 (1999).	
		TAO, et al., "Microfabricated Drug Delivery Systems: from Particles to Pores," <i>Adv. Drug Deliv. Res.</i> 55(3): 315-28 (2003).	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.